IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.351 OF 2004

The Commissioner of Income Tax ..Appellant.

V/s.

Shri H.Y. Samant ..Respondent.

Mr.Pankaj Kapoor for appellant.

None for respondent.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 17TH JANUARY, 2005.

P.C. :-

. Heard learned counsel for the appellant. Perused the order of the Income Tax Appellate Tribunal dated 26/4/2002. The issue involved in the above appeal is covered by the Judgment of this Court in the case of **Cadell Weaving Mill Co.P.Ltd. V/s. Commissioner of Income Tax** reported in **249 I.T.R.265 (Bom.)** In view thereof, the appeal stands dismissed.

. Learned counsel for the appellant states that the issue is now pending in the Supreme Court.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)